



Public Service Commission

State of North Dakota

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April 12, 2011

Mr. Jeff Fleischman, Director
OSM Casper Field Office
P.O. Box 11018
Casper, WY 82602-5004

Re: Eligibility Determination for 2011 Wilton-Garrison Emergency Sites

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for reclamation of the land included in the proposed 2011 Wilton-Garrison Emergency Sites. These sites are located in the SW¼ of Section 5, T142N, R79W, and the NE¼ of Section 18, T148N, R84W, near the cities of Wilton and Garrison, ND.

Eligibility Determination - 30 CFR 874.12

The requirements of this section of the Abandoned Mine Reclamation Program set forth the following criteria for eligibility for reclamation activities (paraphrased):

- a. Was the real property subjected to coal mining and related processes?
- b. Did the coal mining processes on the real property occur prior to August 3, 1977, and was said real property left or abandoned in an unreclaimed or inadequately reclaimed condition? and,
- c. Is there continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State of North Dakota or the government of the United States?

Based upon available information, I find that the described real property was mined for coal, that the coal mining activity occurred prior to August 3, 1977, and that the property has been left in an abandoned and unreclaimed state. I further find that there is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the State of North Dakota or the government of the United States.

Based on these findings, it is my opinion that the described real properties meet the eligibility requirements of 30 CFR 874.12 for abandoned mine reclamation.

Sincerely,

James R. Deutsch
Director, Reclamation and AML Divisions

AML EMERGENCY INVESTIGATION

Type of Problem: Subsidence
Reported by: Dean Folden
Address: Garrison, ND 58540
Telephone: 701-463-2093
Date Complaint Received: April 11, 2011
Person Notified of Complaint: Bill Dodd
Address of Complaint: Near Junction of ND Hwy 37 and McLean Hwy 15
City: Garrison
County: McLean
State: North Dakota

SITE INVESTIGATION

Date: April 11, 2011
Time: 3:15-3:45 p.m.
Name of State Investigators: Bill Dodd and Bruce Johnson, AML Division
OSM Representative(s) Present: None
Others Present:
Name of others contacted (Local, State, Federal, Insurance Agencies, Utilities, etc.):

LOCATION OF SITES

Directions of locations (Describe Route):

On Dean Folden's property. His driveway proceeds westward from a point approximately 350 feet south of the junction of ND Highway 37 and McLean County Highway 15, Garrison, ND.

USGS Quadrangle Name: Garrison, N. Dakota
Coordinates: 47.64501/ -101.421652

MINE INFORMATION

Mined by: Garrison Coal Mine (aka Garrison Coal, Light & Power)
Duration of Mining: 1916-1924
Type of Mining: underground
Seam Name: unknown **Thickness of Seam:** approximately 7 feet

CONTINUING RECLAMATION RESPONSIBILITY

Permitted Operation: No **Permit Number(s):** N/A
Bond Status: Returned, Forfeited, Available: N/A
Amount: N/A
Date: N/A

PRESENT OWNER(S)

Surface Owner's Name: Dean Folden
Address: P.O. Box 832
City: Garrison
State: North Dakota
Zip Code: 58540
Telephone: 701-463-2093

Were the Property Owners Involved in the Mining: No
If yes, explain:

Date Property Acquired by Owner: unknown
If Potential Subsidence, Do Owners Have Insurance: No
If yes,
Agency:
Agent:
Address:
Phone Number:
Mineral Owner's Name: Unknown

AFFECTED PARTIES

The sinkholes are on rural property near Garrison, ND. They are near a driveway and agricultural buildings.

SITE INFORMATION

Date that problem began or was first noticed: April 11, 2011

Is there any active mining or related activities in or around the area: NO
The nearest active mine is about 25 miles away.

Name of Operator(s):

Nature of problem:
Void, Shafts, Slope, Entries, etc.

Source of problem:
Underground Mine

Potentially Affecting:

Persons: Estimated Number: 10+
Housing: none
Building: none
Estimated acres affected: less than 1

PROBLEM DESCRIPTION

Describe the problem (Detail: size, shape; Is problem spreading, expanding; first noticed, etc.)

On April 11, 2011, Dean Folden notified Bill Dodd of dangerous sinkholes on his property near Garrison, North Dakota. He said there were three new sinkholes near his Quonset and driveway and that they were deep and steep sided.

An inspection was conducted on April 11, 2011. The first sinkhole was about 10 feet in diameter and 10 feet deep; the second was 8 feet in diameter and 10 feet deep; and the third was about 10 feet long, 5' wide, and 8 feet deep (see attached map for locations). I believe these sinkholes are serious and immediate hazards to the public and meet criteria as an AML emergency.

OTHER INFORMATION

Describe any other information available and its location (i.e., maps, inspections, reports, etc.)

Mine information is available for this site.

ELIGIBILITY

Declaration of eligibility from State: ND Public Service Commission

Name: Jim Deutsch, AML Director

Address: 600 E Blvd Ave., Dept. 408

City: Bismarck

State: North Dakota

Zip Code: 58505-0480

Telephone: (701) 328-2251

Oral Date **Written X** Date April 12, 2011

Eligible: **YES X** (an eligible site must be mine related, abandoned with inadequate reclamation prior to August 3, 1977, and no continuing reclamation responsibility.)

REMARKS

Since these sinkholes are located on a pasture/farm yard and reclamation will be limited to the immediate area of the sinkhole, no environmental resources will be affected.

ADDED VALUE

It is doubtful that reclamation of this site will add significant value to the property. However, remedial action to eliminate the hazard will protect the public.

PROPOSED REMEDIAL ACTION:

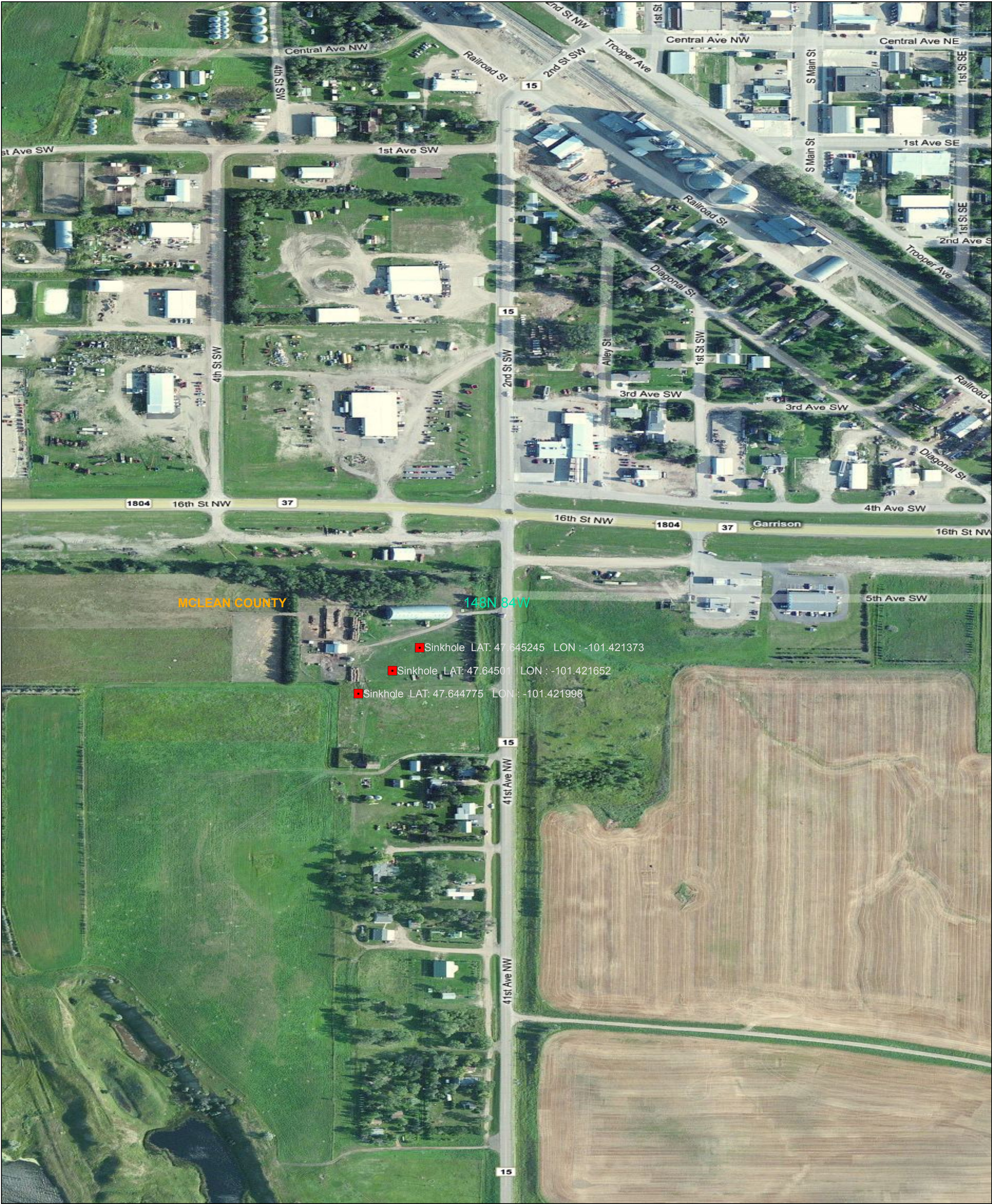
- Remove all available topsoil from around the sinkholes
- Excavate the sinkholes with a backhoe
- Fill the excavated sinkholes with fill dirt and compact to the best extent possible
- Regrade the areas to re-establish drainage
- Respread topsoil over the areas
- Reseed the disturbed areas

ESTIMATED COST: \$3,000

Investigator: William E. Dodd
Address: 600 E Blvd Ave., Dept. 408
City: Bismarck
State: North Dakota
Zip code: 58505-0480
Telephone: (701) 328-4101

Signature: William E. Dodd

Project Title: 2011 Wilton-Garrison Emergency
Number: to be assigned



Legend

■ Garrison Sinkhole locations (GPS-WGS84)

Garrison, ND
ND PSC AML Division MIS
April 12, 2011



AML EMERGENCY INVESTIGATION

Type of Problem: Subsidence
Reported by: Kevin Levi, NDDOT District Engineer
Address: Bismarck, ND 58505
Telephone: 701-328-6955
Date Complaint Received: April 11, 2011
Person Notified of Complaint: Bill Dodd
Address of Complaint: North ditch of ND Highway 36
City: Wilton
County: Burleigh
State: North Dakota

SITE INVESTIGATION

Date: April 11, 2011
Time: 1:45-2:15 p.m.
Name of State Investigators: Bill Dodd and Bruce Johnson, AML Division
OSM Representative(s) Present: None
Others Present:
Name of others contacted (Local, State, Federal, Insurance Agencies, Utilities, etc.):
John Sieving and Alan Boehms - OSM, were contacted by phone and e-mail April 11, 2011

LOCATION OF SITES

Directions of locations (Describe Route):
In and near the north ditch of ND Highway 36, approximately 3.1 miles east of the junction with ND Highway 83, about 3 miles southeast of Wilton.

USGS Quadrangle Name: Grass Lake, N. Dakota
Coordinates:

MINE INFORMATION

Mined by: Washburn Lignite Coal Company
Duration of Mining: 1916-1946
Type of Mining: underground
Seam Name: unknown **Thickness of Seam:** approximately 10 feet

CONTINUING RECLAMATION RESPONSIBILITY

Permitted Operation: No **Permit Number(s):** N/A
Bond Status: Returned, Forfeited, Available: N/A
Amount: N/A
Date: N/A

PRESENT OWNER(S)

Surface Owner's Name: ND Department of Transportation
Address: 608 E Boulevard Ave
City: Bismarck
State: North Dakota
Zip Code: 58505-0700
Telephone: 701-328-6955

Surface Owner's Name: Jim Krzmarzick
Address: 2059 50th Ave NW
City: Garrison
State: North Dakota
Zip Code: 58540
Telephone: 701-337-5813

Were the Property Owners Involved in the Mining: No
If yes, explain:

Date Property Acquired by Owner: unknown
If Potential Subsidence, Do Owners Have Insurance: No
If yes,
Agency:
Agent:
Address:
Phone Number:
Mineral Owner's Name: Unknown

AFFECTED PARTIES

The sinkholes are in and near the right-of-way of a public highway and could potentially affect anyone using the highway or operating motorcycles or four-wheelers in the ditch.

SITE INFORMATION

Date that problem began or was first noticed: April 11, 2011

Is there any active mining or related activities in or around the area: NO
The nearest active mine is about 25 miles away.

Name of Operator(s):

Nature of problem:

Void, Shafts, Slope, Entries, etc.

Source of problem:

Underground Mine

Potentially Affecting:

Persons: Estimated Number: 10+

Housing: none

Building: none

Estimated acres affected: less than 1

PROBLEM DESCRIPTION

Describe the problem (Detail: size, shape; Is problem spreading, expanding; first noticed, etc.)

On April 11, 2011, Kevin Levi, NDDOT, notified Bill Dodd of a dangerous sinkhole in the north ditch of Highway 36 near Wilton, North Dakota. It was reported to him by a DOT work crew and they said it was about 10 feet deep. They placed a snow fence around it to keep people out of it.

An inspection was conducted on April 11, 2011. There were two sinkholes near Highway 36. The first sinkhole was in the north ditch of Highway 36 and was about 10 feet in diameter and 10 feet deep. The second hole (Krzmarzick ownership) was north of the road right-of-way and was approximately 8 feet in diameter and 10 feet deep. I believe these sinkholes are serious and immediate hazards to the public and meet criteria as an AML emergency.

OTHER INFORMATION

Describe any other information available and its location (i.e., maps, inspections, reports, etc.)

Mine information and maps are available for this site.

ELIGIBILITY

Declaration of eligibility from State: ND Public Service Commission

Name: Jim Deutsch, AML Director

Address: 600 E Blvd Ave., Dept. 408

City: Bismarck

State: North Dakota

Zip Code: 58505-0480

Telephone: (701)328-2400

Oral Date **Written X** **Date** April 12, 2011

Eligible: **YES X** (an eligible site must be mine related, abandoned with inadequate reclamation prior to August 3, 1977, and no continuing reclamation responsibility.)

REMARKS

Since these sinkholes are located on a highway right-of-way and reclamation will be limited to the immediate area of the sinkhole, no environmental resources will be affected.

ADDED VALUE

It is doubtful that reclamation of this site will add significant value to the property. However, remedial action to eliminate the hazard will protect the public.

PROPOSED REMEDIAL ACTION:

- Remove all available topsoil from around the sinkholes
- Excavate the sinkholes with a backhoe
- Fill the excavated sinkholes with fill dirt and compact to the best extent possible
- Regrade the areas to re-establish drainage
- Respread topsoil over the areas
- Reseed the disturbed areas

ESTIMATED COST: \$3,000

Investigator: William E. Dodd

Signature: William E. Dodd

Address: 600 E Blvd Ave., Dept. 408

City: Bismarck

State: North Dakota

Zip code: 58505-0480

Telephone: (701) 328-4101

Project Title: 2011 Wilton-Garrison Emergency

Number: to be assigned



Legend



Wilton Sinkhole locations (GPS-WGS84)

Sinkholes East of Wilton, ND
Approx. 3 mi east of junction
of Highway 83 & 36

ND PSC AML Division MIS
April 12, 2011



**ABANDONED MINE LANDS
CATEGORICAL EXCLUSION DETERMINATION**

State: ND PA# ND001 and ND019

Project Name: 2011 Wilton - Garrison Emergency

Project Description: Abandoned Underground Mine Sinkhole Filling

Yes responses require submission of an environmental assessment.

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6,

Appendix 8, as specified in Item I of the attached instructions?

No ☒ Yes ☐

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety?

No ☒ Yes ☐

An adverse effect on any of the following unique geographic characteristics?

If yes, check the ones that apply.

No ☒ Yes ☐

☐ Parks (State, Local, or National)

☐ Wild or Scenic Rivers

☐ Recreation or Refuge Lands

☐ Wetlands

☐ Wilderness Areas

☐ Floodplains

☐ Ecologically Significant or Critical Areas

☐ Sole or Principal Drinking Water

☐ Prime Farmlands

☐ Aquifers

Highly controversial environmental effects?

No ☒ Yes ☐

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?

No ☒ Yes ☐

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects?

No ☒ Yes ☐

Directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No ☒ Yes ☐

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No ☒ Yes ☐

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?

No ☒ Yes ☐

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?

No ☒ Yes ☐

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?

No ☒ Yes ☐

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply.

No ☒ Yes ☐

- | | |
|---|--|
| <input type="checkbox"/> Topography | <input type="checkbox"/> Historic and Cultural |
| <input type="checkbox"/> Land Use (includes prime farmland) | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Soils | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Vegetation (includes wetlands) | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Hydrology | <input type="checkbox"/> Other (includes socioeconomics) |
| <input type="checkbox"/> Fish and Wildlife | |

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: William E. Dodd Date: April 12, 2011

Name and Title: William E. Dodd, Assistant Director, AML Division

VI. OSM DETERMINATION

☐ This project conforms with the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA compliance.

☐ This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: _____ Date: _____

Name and Title: _____



2011/04/11



2011/04/11



2011/04/11



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